

By the Policy and Steering Committee on Ways and Means; the Committee on Criminal Justice; and Senator Richter

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1 A bill to be entitled
2 An act relating to highway safety; amending s. 318.18,
3 F.S.; providing an additional penalty for violations
4 of provisions that require traffic to stop for a
5 school bus, prohibit racing on highways, and prohibit
6 reckless driving; providing for distribution of moneys
7 collected; amending s. 318.21, F.S.; providing for
8 distribution of specified civil penalties; amending s.
9 322.0261, F.S.; requiring the Department of Highway
10 Safety and Motor Vehicles to identify a person who has
11 committed a first violation of specified provisions
12 and require such person to complete a driver
13 improvement course; providing for cancellation of
14 license for failure to complete such course within a
15 specified time period; amending s. 395.4036, F.S.;
16 providing for distribution of funds to trauma centers;
17 amending s. 316.193, F.S.; requiring a court to order
18 a defendant, after a first conviction for driving
19 under the influence, to participate in a minimum of 50
20 hours of community service as a condition of
21 probation; authorizing a court to impose a specified
22 fine under certain conditions; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (5) of section 318.18, Florida
28 Statutes, is amended, and subsection (19) is added to that
29 section, to read:

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30 318.18 Amount of penalties.—The penalties required for a
31 noncriminal disposition pursuant to s. 318.14 or a criminal
32 offense listed in s. 318.17 are as follows:

33 (5) (a) One hundred dollars for a violation of s.
34 316.172(1) (a), failure to stop for a school bus. If, at a
35 hearing, the alleged offender is found to have committed this
36 offense, the court shall impose a minimum civil penalty of \$100.
37 In addition to this penalty, for a second or subsequent offense
38 within a period of 5 years, the department shall suspend the
39 driver's license of the person for not less than 90 days and not
40 more than 6 months.

41 (b) Two hundred dollars for a violation of s.
42 316.172(1) (b), passing a school bus on the side that children
43 enter and exit when the school bus displays a stop signal. If,
44 at a hearing, the alleged offender is found to have committed
45 this offense, the court shall impose a minimum civil penalty of
46 \$200. In addition to this penalty, for a second or subsequent
47 offense within a period of 5 years, the department shall suspend
48 the driver's license of the person for not less than 180 days
49 and not more than 1 year.

50 (c) In addition to the penalty under paragraph (a) or
51 paragraph (b), \$65 for a violation of s. 316.172(1) (a) or (b).
52 If the alleged offender is found to have committed the offense,
53 the court shall impose the civil penalty under paragraph (a) or
54 paragraph (b) plus an additional \$65. The additional \$65
55 collected under this paragraph shall be remitted to the
56 Department of Revenue for deposit into the Administrative Trust
57 Fund of the Department of Health to be used as provided in s.
58 395.4036.

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59 (19) In addition to any other penalty, \$65 for a violation
60 of s. 316.191, prohibiting racing on highways, or s. 316.192,
61 prohibiting reckless driving. The additional \$65 collected under
62 this subsection shall be remitted to the Department of Revenue
63 for deposit into the Administrative Trust Fund of the Department
64 of Health to be used as provided in s. 395.4036.

65 Section 2. Subsection (18) is added to section 318.21,
66 Florida Statutes, to read:

67 318.21 Disposition of civil penalties by county courts.—All
68 civil penalties received by a county court pursuant to the
69 provisions of this chapter shall be distributed and paid monthly
70 as follows:

71 (18) Notwithstanding subsections (1) and (2), the proceeds
72 from the additional penalties imposed pursuant to s.
73 318.18(5)(c) and (19) shall be distributed as provided in that
74 section.

75 Section 3. Subsection (3) of section 322.0261, Florida
76 Statutes, is amended to read:

77 322.0261 Driver improvement course; requirement to maintain
78 driving privileges; failure to complete; department approval of
79 course.—

80 (3) The department shall identify any operator convicted
81 of, or who pleaded nolo contendere to, a first ~~second~~ violation
82 of s. 316.074(1), ~~or~~ s. 316.075(1)(c)1., s. 316.172, s. 316.191,
83 or s. 316.192, which violation occurred within 12 months after
84 ~~the first violation,~~ and shall require that operator, in
85 addition to other applicable penalties, to attend a department-
86 approved driver improvement course in order to maintain driving
87 privileges. If the operator fails to complete the course within

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88 90 days after receiving notice from the department, the
89 operator's driver license shall be canceled by the department
90 until the course is successfully completed.

91 Section 4. Section 395.4036, Florida Statutes, is amended
92 to read:

93 395.4036 Trauma payments.—

94 (1) Recognizing the Legislature's stated intent to provide
95 financial support to the current verified trauma centers and to
96 provide incentives for the establishment of additional trauma
97 centers as part of a system of state-sponsored trauma centers,
98 the department shall utilize funds collected under s. 318.18~~(15)~~
99 and deposited into the Administrative Trust Fund of the
100 department to ensure the availability and accessibility of
101 trauma services throughout the state as provided in this
102 subsection.

103 (a) Funds collected under s. 318.18(15) shall be
104 distributed as follows:

105 1.(a) Twenty percent of the total funds collected ~~under~~
106 ~~this subsection~~ during the state fiscal year shall be
107 distributed to verified trauma centers that have a local funding
108 contribution as of December 31. Distribution of funds under this
109 subparagraph ~~paragraph~~ shall be based on trauma caseload volume
110 for the most recent calendar year available.

111 2.(b) Forty percent of the total funds collected ~~under this~~
112 ~~subsection~~ shall be distributed to verified trauma centers based
113 on trauma caseload volume for the most recent calendar year
114 available. The determination of caseload volume for distribution
115 of funds under this subparagraph ~~paragraph~~ shall be based on the
116 department's Trauma Registry data.

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117 3.~~(e)~~ Forty percent of the total funds collected ~~under this~~
118 ~~subsection~~ shall be distributed to verified trauma centers based
119 on severity of trauma patients for the most recent calendar year
120 available. The determination of severity for distribution of
121 funds under this subparagraph ~~paragraph~~ shall be based on the
122 department's International Classification Injury Severity Scores
123 or another statistically valid and scientifically accepted
124 method of stratifying a trauma patient's severity of injury,
125 risk of mortality, and resource consumption as adopted by the
126 department by rule, weighted based on the costs associated with
127 and incurred by the trauma center in treating trauma patients.
128 The weighting of scores shall be established by the department
129 by rule.

130 (b) Funds collected under s. 318.18(5)(c) and (19) shall be
131 distributed as follows:

132 1. Thirty percent of the total funds collected shall be
133 distributed to Level II trauma centers operated by a public
134 hospital governed by an elected board of directors as of
135 December 31, 2008.

136 2. Thirty-five percent of the total funds collected shall
137 be distributed to verified trauma centers based on trauma
138 caseload volume for the most recent calendar year available. The
139 determination of caseload volume for distribution of funds under
140 this subparagraph shall be based on the department's Trauma
141 Registry data.

142 3. Thirty-five percent of the total funds collected shall
143 be distributed to verified trauma centers based on severity of
144 trauma patients for the most recent calendar year available. The
145 determination of severity for distribution of funds under this

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146 subparagraph shall be based on the department's International
147 Classification Injury Severity Scores or another statistically
148 valid and scientifically accepted method of stratifying a trauma
149 patient's severity of injury, risk of mortality, and resource
150 consumption as adopted by the department by rule, weighted based
151 on the costs associated with and incurred by the trauma center
152 in treating trauma patients. The weighting of scores shall be
153 established by the department by rule.

154 (2) Funds deposited in the department's Administrative
155 Trust Fund for verified trauma centers may be used to maximize
156 the receipt of federal funds that may be available for such
157 trauma centers. Notwithstanding this section and s. 318.14,
158 distributions to trauma centers may be adjusted in a manner to
159 ensure that total payments to trauma centers represent the same
160 proportional allocation as set forth in this section and s.
161 318.14. For purposes of this section and s. 318.14, total funds
162 distributed to trauma centers may include revenue from the
163 Administrative Trust Fund and federal funds for which revenue
164 from the Administrative Trust Fund is used to meet state or
165 local matching requirements. Funds collected under ss. 318.14
166 and 318.18~~(15)~~ and deposited in the Administrative Trust Fund of
167 the department shall be distributed to trauma centers on a
168 quarterly basis using the most recent calendar year data
169 available. Such data shall not be used for more than four
170 quarterly distributions unless there are extenuating
171 circumstances as determined by the department, in which case the
172 most recent calendar year data available shall continue to be
173 used and appropriate adjustments shall be made as soon as the
174 more recent data becomes available.

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175 (3)~~(2)~~(a) Any trauma center not subject to audit pursuant
176 to s. 215.97 shall annually attest, under penalties of perjury,
177 that such proceeds were used in compliance with law. The annual
178 attestation shall be made in a form and format determined by the
179 department. The annual attestation shall be submitted to the
180 department for review within 9 months after the end of the
181 organization's fiscal year.

182 (b) Any trauma center subject to audit pursuant to s.
183 215.97 shall submit an audit report in accordance with rules
184 adopted by the Auditor General.

185 (4)~~(3)~~ The department, working with the Agency for Health
186 Care Administration, shall maximize resources for trauma
187 services wherever possible.

188 Section 5. Paragraph (a) of subsection (6) of section
189 316.193, Florida Statutes, is amended to read:

190 316.193 Driving under the influence; penalties.—

191 (6) With respect to any person convicted of a violation of
192 subsection (1), regardless of any penalty imposed pursuant to
193 subsection (2), subsection (3), or subsection (4):

194 (a) For the first conviction, the court shall place the
195 defendant on probation for a period not to exceed 1 year and, as
196 a condition of such probation, shall order the defendant to
197 participate in public service or a community work project for a
198 minimum of 50 hours. ;~~or~~ The court may order a ~~instead, that any~~
199 defendant to pay a ~~an additional~~ fine of \$10 for each hour of
200 public service or community work otherwise required only, ~~if the~~
201 court finds that, ~~after consideration of~~ the residence or
202 location of the defendant at the time public service or
203 community work is required or the defendant's employment

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204 obligations would create an undue hardship for the defendant,
205 ~~payment of the fine is in the best interests of the state.~~
206 However, the total period of probation and incarceration may not
207 exceed 1 year. The court must also, as a condition of probation,
208 order the impoundment or immobilization of the vehicle that was
209 operated by or in the actual control of the defendant or any one
210 vehicle registered in the defendant's name at the time of
211 impoundment or immobilization, for a period of 10 days or for
212 the unexpired term of any lease or rental agreement that expires
213 within 10 days. The impoundment or immobilization must not occur
214 concurrently with the incarceration of the defendant. The
215 impoundment or immobilization order may be dismissed in
216 accordance with paragraph (e), paragraph (f), paragraph (g), or
217 paragraph (h).

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219 For the purposes of this section, any conviction for a violation
220 of s. 327.35; a previous conviction for the violation of former
221 s. 316.1931, former s. 860.01, or former s. 316.028; or a
222 previous conviction outside this state for driving under the
223 influence, driving while intoxicated, driving with an unlawful
224 blood-alcohol level, driving with an unlawful breath-alcohol
225 level, or any other similar alcohol-related or drug-related
226 traffic offense, is also considered a previous conviction for
227 violation of this section. However, in satisfaction of the fine
228 imposed pursuant to this section, the court may, upon a finding
229 that the defendant is financially unable to pay either all or
230 part of the fine, order that the defendant participate for a
231 specified additional period of time in public service or a
232 community work project in lieu of payment of that portion of the

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233 fine which the court determines the defendant is unable to pay.
234 In determining such additional sentence, the court shall
235 consider the amount of the unpaid portion of the fine and the
236 reasonable value of the services to be ordered; however, the
237 court may not compute the reasonable value of services at a rate
238 less than the federal minimum wage at the time of sentencing.
239 Section 6. This act shall take effect October 1, 2009.